

JAMES E. SEYKORA
Assistant U.S. Attorney
U.S. Attorney's Office
P. O. Box 1478
Billings, MT 59103
2929 Third Ave. North, Suite 400
Billings, MT 59101
Phone: (406) 657-6101
Fax: (406) 657-6989
Email: jim.seykora@usdoj.gov

FILED
BILLINGS DIV.
2010 OCT 27 AM 10 29
PATRICK E. ELLIOTT, CLERK
BY _____
DEPUTY CLERK

ATTORNEYS FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

**UNITED STATES OF
AMERICA,**

Plaintiff,

vs.

MARION HUNGERFORD,

Defendant.

CR 03-74-BLG-RFC

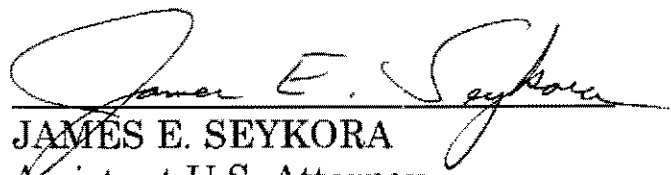
MOTION TO DISMISS

The United States moves to dismiss with prejudice Counts One, Six, Seven and Ten through Nineteen of the Second Superseding Indictment of which defendant was convicted on June 23, 2005. The United States makes this motion after consulting with the defendant, current defense counsel and victims in this case.

The United States requests the Court grant its motion to dismiss because the proposed resolution satisfies all of the goals of criminal prosecution. The proposed modification of the original sentence will be sufficient without being unduly harsh based on the facts and circumstances of the case and the individual characteristics of the defendant, Marion Hungerford. Additionally, the proposed resolution is a just resolution to the case based on a review of the facts specific to this defendant and this case.

DATED this 27th day of October, 2010.

MICHAEL W. COTTER
United States Attorney


JAMES E. SEYKORA
Assistant U.S. Attorney
Attorney for Plaintiff